**Reasonable accommodation in employment**

***Accommodations*** *are modifications and adjustments made to enable a person to do something.*

Employers provide ‘reasonable accommodations’ to many employees, such as parents caring for young children or other relatives, staff with religious or ethical beliefs, as well as disabled people. It may be for current employees whose situation has changed, or for new employees being recruited.

Successful managers get the best from people by identifying what will assist employees do the best job possible, whether the person has a disability or not. A reasonable accommodation may be a part of that. Most accommodations are low or no cost e.g. flexible hours; instructions in writing as well as verbal; showing people how do a task.

Under the Human Rights Act 1993, employers must not discriminate against a person because of their disability. An employer is also obliged to reasonably accommodate a person’s disability, including special services or facilities if needed.

The Act doesn’t define what is ‘reasonable’, this will depend on the particular circumstances.

**What is reasonable?**

Factors to be taken into account include:

* the activities or business of the organisation
* whether it is practical to make the adjustment
* the effectiveness of the adjustment in assisting the employee to perform their job
* the costs of the adjustment, in relation to the size of the employer’s business
* the extent of the organisation’s and other resources
* how other employees might be impacted
* how much disruption, if any, would be caused to the business or other people.
* health and safety.

Considerations include:

* A reasonable accommodation assists in creating equality of opportunity.
* The employer does not have to change the basic nature of the job.
* The easier an adjustment is, the more likely it is to be reasonable. However, just because something is difficult doesn’t mean it can’t also be reasonable. The employer needs to balance this against other factors.
* It may take several different adjustments to address a disadvantage.
* What is reasonable in one situation may be different to what is reasonable in another situation.
* Flexible working patterns or redeployment may be easier for larger organisations with more staff.
* If an adjustment costs a significant amount, it is more likely to be reasonable if the employer has substantial financial resources.
* If advice or support is available, for example, from Job Support or from another organisation, then this is more likely to make the adjustment reasonable.
* The employer can consider the health and safety of all people involved but this should be based on a proper assessment of the risks. The employer should not make assumptions about risks which may face disabled employees

The need for reasonable accommodation applies to all aspects of employment including recruitment processes, training, promotion, job protection and termination.

If a disabled person feels an employer isn’t providing reasonable accommodations they can ask the Human Rights Commission to mediate or, as a final resort, make a complaint to the Human Rights Tribunal.

## Extra assistance may be available

When accommodations are identified that aren’t reasonable for an employer to provide (due to cost for example) the person may be eligible for assistance through the government’s Job Support Fund. This covers additional costs that are a direct consequence of the person’s impairment.

This could include:

* employment support services (*Link –* for a supported employment agency in your area)
* wage subsidies
* furniture and fittings
* a workplace modification grant

*To be eligible for Job Support a person must be getting the appropriate market rate of pay for the job.*

**How to provide reasonable accommodations**

### Develop written policies on accommodations/flexible work practices

This will help ensure consistent decision making and documents the employer’s efforts to provide accommodations. They can also help make sure that all employees know what the guidelines are and how to request an accommodation.

It might include policies on things like flexible work hours, working from home, additional leave for appointments that are relevant to **all staff**, including disabled staff.

Some guidance on this is available from the [USA] Job Accommodation Network’s Employers' Practical Guide to Reasonable Accommodation. (See resources.)

### Make sure your recruitment processes are accessible

This includes how and where you advertise roles, the information you provide, the application process and interviews. The process should be accessible and easy for everyone. Think about what other options you could offer.

### What do you provide all employees?

This is the starting point of any conversation with people around their needs, for example flexible working hours, workstation assessment, car-pooling, van available for picking up staff, leave to attend medical appointments.

Accommodations available to all employees should be considered first.

### Discuss accommodations with the employee

It is important arrangements are considered before a new employee starts in the job- both accommodations provided to all staff, and disability specific accommodations.

Talk with the person about what they would find useful to help them perform their job well. Don't make assumptions – ask the person. Accommodations are as individual as the people who need them and the circumstances in which they are used.

### Get expert advice

Workbridge and organisations that represent people with different disabilities can provide expert advice on specialist equipment or accommodations that may assist people with particular impairments.

* **Most accommodations are low or no cost.**

Where there are associated costs, extra support may be available through the Job Support Fund.

### Provide the required accommodation/s

Most accommodations are low or no cost. Check with the person that the accommodations are meeting their needs.

### Review and monitor

Talk with the employee regularly to check if the accommodations are still meeting their needs, especially where the employee’s needs change or there are changes to the workplace or the job. It is important that there is commitment to continue to provide reasonable accommodations.

### Types of reasonable accommodation

Some examples of reasonable accommodations:

* Holding an interview in a more convenient location, engaging an interpreter, allowing longer for the interview, asking the applicant what time of day best suits them for an interview.
* Modified workplace arrangements, such as rearranging furniture to ease navigation, and workplace modifications.
* Special equipment, such as non-standard workstations e.g. screen, keyboard, phone or chair.
* Accessible information, through
	+ screen reading or magnification software
	+ providing accessible (including Easy Read) versions of documentation
	+ giving the person written and/or clear and fully explained instructions
	+ Audio cues
	+ giving plenty of notice of any planned changes.
* Supports, such as:
	+ physical support
	+ support person
	+ interpreter services
	+ job coach
	+ job-specific training
	+ provide a mentor or buddy
	+ Disability responsive training or raise awareness of a particular condition amongst employees
	+ (with the person’s consent) briefing colleagues about what works best, what is helpful.
* Flexible working arrangements, for example:
	+ reassigned or redistributed duties across a team
	+ breaking down large jobs into smaller ones
	+ allowing the person to move around and get fresh air
	+ allowing the person to wear headphones to screen out noise
	+ flexible or shorter hours
	+ adjustable start and finish times
	+ allowing rest breaks
	+ part-time work
	+ flexible rostering or scheduling
	+ flexible leave arrangements
	+ rostered days off or time off in lieu
	+ regular or occasional working from home
	+ job-sharing.
* Transport.
* Evacuation support.

## More detailed examples of reasonable accommodations:

### Making adjustments to premises such as widening a doorway, providing a ramp or moving furniture for a wheelchair user.

### Providing information in accessible formats, for example braille, audio tape, Easy Read, oral instruction with individual demonstration.

### Employers may also need to consider how accessible their recruitment materials are.

### Allocating some of the disabled person’s duties to another employee. Minor or subsidiary duties may be reallocated to another employee. For example, the job involves occasionally going onto the open roof of a building but the employer transfers this work away from an employee with severe vertigo.

### Altering the disabled employee’s hours of work or training. Flexibility such as part-time hours, additional breaks (e.g. to overcome fatigue) or different work hours (e.g. to avoid peak hour travel) may be helpful.

A phased return to work with a gradual build-up of hours might also be appropriate in some circumstances.

### Transferring the disabled employee to fill an existing vacancy. If an employee becomes disabled (or whose impairment worsens) and there are no reasonable accommodations available to allow them to continue in their current role, an employer should consider if a suitable alternative role is available. The new role might require retraining or accommodations such as new equipment.

### Assigning the disabled employee to a different place of work or training or arranging home working. This may be for accessibility reasons within the work place, or to minimise travel to and from work.

### Allowing the disabled employee to be absent during working or training hours for rehabilitation, assessment or treatment. This may be paid or unpaid according to the employers’ policies and the employee’s employment contract.

### Giving, or arranging for, training or mentoring. This could be training in particular pieces of equipment which the disabled person uses, or an alteration to the standard workplace training to reflect the employee’s particular impairment.

### Acquiring or modifying equipment. This will be specific to the person’s impairment and their role. Examples include adapted keyboards, larger computer screens, or longer handles on a machine.

An employer isn’t required to provide or modify equipment for personal purposes unconnected with an employee’s job, such as providing a wheelchair if a person needs one in any event but does not have one.

### Modifying procedures for testing or assessment, for example giving a person an oral test if they have difficulty writing.

### Providing a reader or interpreter. This could be a colleague or a person hired to do this on a regular or occasional basis.

### Providing supervision or other support. This might be ongoing, or only when something changes or in unfamiliar situations such as training courses.

### Allowing an employee to take additional leave. For example providing extended leave to undergo medical treatment and recovery, and then being able to return to work.

This should be covered in written policies so all employees are aware of it, and consistent decisions are made.

### Providing a support employee to assist a disabled employee. For example an adviser with vision impairment is sometimes required to make home visits to clients. The employer provides a support employee to assist her on these visits.

### Modifying disciplinary or grievance procedures for a disabled employee. An employer ensures that procedures are accessible to all including disabled employees. Ensuring disciplinary and grievance practices are available in accessible formats.

### Adjusting redundancy selection criteria for a disabled employee. For example periods of impairment-related absence are discounted as a criterion for selecting people for redundancy.

### Modifying performance-related pay arrangements for a disabled employee. A disabled employee who is paid purely on her output needs frequent short additional breaks during her working day – something her employer agrees to as a reasonable accommodation. It may be a reasonable accommodation for her employer to pay her at an agreed rate (for example, her average hourly rate) for these breaks.

### It may sometimes be necessary for an employer to take a combination of steps. An employee who is blind is moved to a new team in an unfamiliar part of the building. The employer:

* arranges facilities for her guide dog in the new area
* arranges for her new instructions to be in braille
* provides disability equality training to all staff, and
* arranges a familiarisation of the new area.

These examples are based on: Reasonable adjustments in practice. [UK] Equality and Human Rights Commission. <http://www.equalityhumanrights.com/your-rights/in-employment/work-place-adjustments/reasonable-adjustments-in-practice>

**Resources**

More guidance, including **detailed examples** of reasonable accommodations, is available from:

* *WorkAble Employers and disabled workers information hub*
<http://www.dol.govt.nz/er/workable/accommodation/index.asp>
* *Making reasonable accommodations*<http://www.workbridge.co.nz/?page=1335>
* *Getting a job*
<http://www.hrc.co.nz/hrc_new/hrc/cms/files/documents/08-Sep-2010_11-55-33_AtoZPre-emplGuidelines.pdf>
* Job Accommodation Network (a US resource)
<https://askjan.org/erguide/> .

Expert **advice on reasonable accommodations** is available from Workbridge. Their website also has links to other **relevant organisations**.
[www.workbridge.co.nz](http://www.workbridge.co.nz)

Advice on what to do **when an employer does not provide the required accommodation** is available from the Human Rights Commission:

* InfoLine 0800 496 877 (toll free)
* Fax: 09 377 3593 (Attn: InfoLine)
* Email: infoline@hrc.co.nz (for general enquiries) TXT 0210 236 4253
* <http://www.hrc.co.nz/enquiries-and-complaints-guide/> .